

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CRIMINAL NO. 2:17-CR-31-KS-JCG**

**ALBERT DIAZ**

**ORDER**

The Government filed a Motion in Limine [27] as to any argument that the jury should acquit Defendant because he did not receive monetary compensation for writing fraudulent prescriptions. The Government argues that monetary compensation is not an element of the charged offenses, and that such an argument invites jury nullification. Defendant agrees that monetary compensation is not an element of the charged offenses, and he has no objection to the motion in this respect. However, Defendant notes that his compensation, or lack thereof, would be relevant and probative of intent, motive, and state of mind.

Therefore, the Court **grants** the Government's Motion in Limine [27] as unopposed. Defendant may not make a jury nullification argument, argue that receipt of compensation is an element of the charged offenses, or argue that the jury must acquit him if he did not receive compensation for the fraudulent prescriptions. Otherwise, Defendant is free to argue that the lack of receipt of compensation is relevant to his intent, state of mind, and/or motive.

**SO ORDERED AND ADJUDGED** this 20th day of February, 2018.

/s/ Keith Starrett

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KEITH STARRETT  
UNITED STATES DISTRICT JUDGE